

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

DAVID STEBBINS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-3305-CV-S-RED
)	
RELIABLE HEAT & AIR, LLC, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is Plaintiff's Motion and Affidavit for Permission to Appeal In Forma Pauperis (Doc. 153). Plaintiff seeks to appeal this Court's denial of his motion to confirm arbitration award and this Court's grant of summary judgment in favor of Defendants.

Title 28, United States Code, § 1915 states in part:

[A]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefore.

However, "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). Courts judge "good faith" from an objective standard. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). Good faith is not present if the issues presented for review are frivolous. *Id.*

Plaintiff has previously presented to this Court a Motion to Appeal In Forma Pauperis (Doc. 91) regarding this Court's denial of his motion to confirm arbitration award. This Court denied Plaintiff's request in its Order of May 2, 2011 (Doc. 100). The Court denied Plaintiff's motion, in part, because the issue presented for appeal was frivolous. The Court stands by its Order of May

2, 2011 and, thus, notes that the court's denial of Plaintiff's motion to confirm arbitration award is not a basis upon which the Court would grant Plaintiff provisional leave to proceed in forma pauperis on appeal. Nonetheless, Plaintiff lists this Court's grant of summary judgment in favor of Defendants as an additional ground for his appeal. Therefore, pursuant to 28 U.S.C. § 1915 and based on the information in the motion and affidavit, the Court will grant Plaintiff provisional leave to proceed in forma pauperis on appeal. Accordingly, Plaintiff's motion is **GRANTED**.

IT IS SO ORDERED.

DATED: November 10, 2011

/s/ Richard E. Dorr

RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT